

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:11-CV-576-FL

DPI TELECONNECT, L.L.C.; )  
IMAGE ACCESS, INC. d/b/a NewPhone; )  
AFFORDABLE PHONE SERVICES, INC.; )  
BLC MANAGEMENT, LLC d/b/a )  
Angles Communications Solutions; )

Plaintiffs, )

v. )

ORDER

BELLSOUTH TELECOMMUNICATIONS, )  
LLC d/b/a AT&T North Carolina; )  
EDWARD S. FINLEY, JR., Chairman; )  
WILLIAM T. CULPEPPER, III, )  
Commissioner; )  
LORINZO L. JOYNER, Commissioner; )  
BRYAN E. BEATTY, Commissioner; )  
SUSAN W. RABON, Commissioner; )  
TANOLA D. BROWN-BLAND, )  
Commissioner; )  
LUCY T. ALLEN, Commissioner and in their )  
official capacities as Commissioners of the )  
North Carolina Utilities Commission; )

Defendants. )

This matter comes before the court on motion to consolidate cases 5:11-CV-576-FL and 5:10-CV-466-BO filed by plaintiffs on November 15, 2011 (DE # 21) in the above-referenced matter. Responses in opposition to said motion have been filed by defendant BellSouth Telecommunications, LLC and by defendants Edward S. Finley, Jr., William T. Culpepper, III, Lorinzo L. Joyner, Bryan E. Beatty, Susan W. Rabon, TaNola D. Brown-Bland, and Lucy T. Allen

(collectively the “commissioner defendants”). Additionally, the commissioner defendants filed a motion to dismiss for lack of jurisdiction on November 15, 2011.

While there may be a common question of law and fact in these cases, the court discerns no efficiencies from consolidation. Each case is at a very different stage of litigation, and thus, the other, earlier filed case, where motion for summary judgment has been made and appears fully briefed, may be unnecessarily delayed. Particular to the instant matter, the commissioner defendants have filed a motion to dismiss for lack of jurisdiction. The court must take up and consider the arguments raised before proceeding with other issues.

Having taken the arguments into consideration, in support of and in opposition to the motion to consolidate, the undersigned declines request for consolidation. At this time, the motion must be and is DENIED.

SO ORDERED, this the 19th day of January, 2012.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LOUISE W. FLANAGAN  
United States District Judge